



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. PD-0181-17

JUAN ANTONIO GONZALEZ, Appellant

v.

THE STATE OF TEXAS

**ON APPELLANT'S MOTION FOR BAIL PENDING APPEAL
UNDER TEX. CODE CRIM. PROC. Art 44.04(h)
EL PASO COUNTY**

Per curiam.

ORDER

Appellant was convicted of murder in Cause No. 2012D05048 in the 346TH Judicial District Court of El Paso County. Punishment was assessed at confinement for fifty years. The Court of Appeals reversed the conviction. *Gonzalez v. State*, No. 08-14-00293-CR (Tex. App.— El Paso, January 25, 2017). The State filed a petition for discretionary review, which was granted by this Court. No. PD-0181-17.

Appellant has filed an application under Article 44.04(h) of the Code of Criminal

Procedure to set a reasonable bail pending final determination of the appeal. However, before this Court can set a reasonable bail we must have adequate information upon which to determine a reasonable amount. Appellant fails to provide adequate information. The relevant factors to consider in deciding a reasonable bail amount are: (1) nature of offense, (2) ability to make bail, (3) prior criminal record, (4) conformity with previous bond conditions, (5) employment record, (6) family ties to the community, and (7) length of residence in community. *See Montalvo v. State*, 786 S.W.2d 710 (Tex. Crim. App. 1989).

Therefore, Appellant must redraft his request for bail under Art. 44.04(h) in order for this Court to set a reasonable bail.

Entered September 13, 2017.
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